

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

STEPHEN EHRLICH,

Defendant.

Civil Action No. 1:23-cv-8962 (LAK)

[PROPOSED] CONSENT SCHEDULING ORDER

Upon consent of the Parties, Plaintiff Commodity Futures Trading Commission (the “Commission”) and Defendant Stephen Ehrlich (“Mr. Ehrlich”), it is hereby ORDERED as follows:

1. The Parties **do not** consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial.
2. The Commission and Mr. Ehrlich are engaged in settlement discussions and accordingly, have taken that into account in this proposed scheduling order.
3. Amended pleadings may not be filed and additional parties may not be joined except as provided by the Federal Rules and the Local Civil Rules of the Southern District of New York (“Local Rules”).
4. Initial disclosures pursuant to Federal Rule 26(a)(1) shall be served by the Parties no later than **March 21, 2025**.
5. **Discovery**
 - a. The Parties are to conduct discovery in accordance with the Federal Rules and the Local Rules.
 - b. All fact discovery shall be completed no later than **November 21, 2025**.
 - c. Initial requests for production of documents shall be served by **April 7, 2025**.
 - d. All subsequent document requests, if any, must be served by no later than **October 10, 2025**.
 - e. Initial interrogatories pursuant to Local Rule 33.3(a), if any, shall be served no later than **April 7, 2025**.
 - f. All subsequent interrogatories, if any, must be served no later than **October 17, 2025**.
 - g. Requests for admission must be served no later than **October 17, 2025**.
 - h. Fact depositions shall be completed by **November 21, 2025**.

- i. Absent an agreement between the Parties or an order from the Court, depositions are not to be held until all Parties have responded to initial requests for document production.
- ii. Each party is entitled to fifteen (15) depositions, not including depositions of experts.
- iii. Any of the deadlines in Paragraphs 6(d) through 6(h) may be extended by the written consent of all Parties without application to the Court, provided that all fact discovery is completed by the date set forth in Paragraph 6(b).

6. Expert Discovery

- a. All expert discovery, including expert depositions, shall be completed no later than **February 27, 2026**.
 - b. All primary expert disclosures pursuant to Federal Rule 26(a)(2) shall be served on or before **December 22, 2025**.
 - c. All rebuttal expert disclosures pursuant to Federal Rule 26(a)(2) shall be served on or before **January 30, 2026**.
 - d. Any of the deadlines in Paragraphs 7(b) and 7(c) may be extended by the written consent of all Parties without application to the Court, provided that all expert discovery is completed by the date set forth in Paragraph 7(a).
- 7. Any motions for summary judgment or *Daubert* motions must be filed on or before **April 10, 2026**.
 - 8. Oppositions to any motions for summary judgment or *Daubert* motions must be filed on or before **May 8, 2026**.
 - 9. Replies in further support of any motions for summary judgment or *Daubert* motions must be filed on or before **May 22, 2026**.
 - 10. The Parties shall submit a Joint Pretrial Order prepared in accordance with Federal Rule 26(a)(3) and the Individual Rules by the latter of **June 12, 2026**, or 45 days following decision on a motion for summary judgment, if such a motion is filed.
 - 11. Each party or group of parties aligned in interest shall submit not less than 14 days prior to Trial a trial brief setting forth a summary of its contentions and dealing with any legal and evidentiary problems anticipated at trial.
 - 12. The Parties shall file any motions *in limine* not less than 14 days prior to trial, with any oppositions due not less than 7 days prior to trial.
 - 13. This case **is** set to be tried to a jury. If at the time the joint pretrial order is due any party claims a right to trial by jury, proposed *voir dire* questions and jury instructions shall be filed with the joint pretrial order.
 - 14. Counsel for the Commission and Defendants have conferred, and the present best estimate of the length of trial is approximately **10–12 trial days**.
 - 15. Except as expressly provided herein, this Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown.

Dated:

Lewis A. Kaplan
United States District Judge

CONSENTED TO:

COMMODITY FUTURES TRADING COMMISSION

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